

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

~~Town~~

~~Village~~

ERIE

Local Law No. 5 of the year 1999

A local law amending Erie County local law number 5 of 1996 in relation to the
(Insert Title)
regulation of smoking in Erie County.

Be it enacted by the ERIE COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~

~~Town~~

~~Village~~

ERIE

as follows:

Section 1. Paragraph i of subdivision b of section three of Erie county local law number five of nineteen hundred ninety six is amended by to read as follows:

i. Restaurants with Bars.

(a) Restaurants with Bars may allow Smoking in Bar Areas of the restaurant and in a designated area of the restaurant comprising no more than 20% of the total seating capacity of the restaurant.

(b) (Effective January 1, 1998): All dining areas, waiting areas and restrooms shall be smoke free. Smoking may be allowed within Bar Areas provided the Bar Area is not the sole patron waiting area, is not the sole means of entrance or exit to the establishment, and is separated from the seated dining area by a floor to ceiling partition or separated by at least a four foot space.

(c) For establishments constructed after December 31, 1997: Bar Areas of Restaurants may permit smoking as provided in clause (b) of this paragraph, provided that the Bar Area is not the sole entrance or exit to the restrooms.

Section 2. Paragraph iv of subdivision b of section three of Erie county local law number

(If additional space is needed, attach pages the same size as this sheet, and number each.)

five of nineteen hundred ninety six is amended by to read as follows:

iv. Bowling Centers.:

(a) Smoking is prohibited within bowling centers, except:

- i. Smoking may be permitted within bar areas of bowling centers;
- ii. From the hours of 6:00 p.m. to closing, smoking may be permitted during bowling activities limited exclusively to adults.

(b) Smoking is prohibited within the "settee" area;

(c) Regardless of the bowling activities undertaken at the time, bowling centers must designate at least 25% of the concourse area as smoke free;

(d) Signs indicating a warning that smoking may be permitted within bowling centers during the hours of 6:00 p.m. to closing shall be clearly, sufficiently and conspicuously posted at each entrance to a bowling center.

Section 3. Section seventeen of Erie county local law number five of nineteen hundred ninety six is amended by to read as follows:

Section 17. Review Committee.

No later than January 1, 2001, the chairman of the legislature shall appoint and convene a review committee to evaluate this Local Law. The Review Committee will be comprised of a cross-section of the community and will include, but not be limited to, representatives of the Legislature, Erie County Department of Health, and other appropriate representatives. Within six months after appointment of the Review Committee, the Committee must provide the Legislature with its findings and/or recommendations with respect to this Local Law.

Section 4. This local law shall be effective the fifteenth day of July 1999.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 5 _____ of 19____ 99 of the (County)(City)(Town)(Village) of _____ ERIE _____ was duly passed by the Erie County Legislature on June 3, 19 99, and was (approved)(not approved)(repassed after disapproval) by the _____ COUNTY EXECUTIVE _____ and was deemed duly adopted on June 17, 19 99, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 2____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

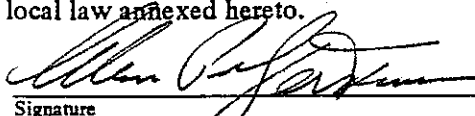
(Seal)

Date: July 16, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
1st Assistant County Attorney

Title

County
~~City~~ of ERIE
~~Town~~
~~Village~~

Date: July 16, 1999